

**REMARKS**

**STATUS OF CLAIMS:**

Claims 8-26 are pending in the application. Claims 18-20 are withdrawn from consideration. Claims 8-17 and 21-26 are rejected.

**INFORMATION DISCLOSURE STATEMENT (IDS):**

The Examiner has returned the modified PTO/SB/08 forms filed with the IDS on August 21, 2003, indicating that the references, including the Japanese references, have been considered.

In section 2 of Office Action, the Examiner asserts that the application does not contain an IDS filed on October 21, 2003. Applicant submits that an IDS was not filed on October 21, 2003. An IDS was filed on October 31, 2003. Applicant requests the Examiner to initial and return the modified PTO/SB/08 form filed with the IDS on October 31, 2003.

**35 U.S.C. § 112:**

The Examiner rejects claims 24 and 25 under 35 U.S.C. § 112, second paragraph, as allegedly being indefinite, as noted in section 3 of the Office Action. The Examiner requests further clarification regarding claims 24 and 25, and requests that Applicant explain where support is found in the specification. Claim 25 recites “said plurality of photodetectors provide image data which is combined.” An exemplary representation of this feature is discussed on page 27, lines 12-27 of the present specification, where it is described that the image data is combined.

Claim 25 recites that the “processor determines said dimension based on a change of luminance of the image data which is combined.” This feature is likewise not indefinite and

would be understood by a skilled artisan. An exemplary aspect disclosed in the present specification is to determine dimensions based on a change of luminance of light which is provided by a light source and detected by photodetectors. As noted on page 27 of the present specification, some of the light from the light source penetrates through the sheet and some of the light from the light source goes directly from the light source to the photodetector. Therefore, the luminance of light that passes through the sheet will be different than light that does not pass through the sheet. As shown in the exemplary embodiment of present Fig. 14, the luminance values change. The data used to provide the luminance values is data which is combined from the photodetectors, as will be appreciated upon reading the examples provided in the present specification.

Accordingly, Applicant submits that claims 24 and 25 are definite, such that the rejection thereof under 35 U.S.C. § 112, second paragraph, should be withdrawn.

**35 U.S.C. § 102:**

Claims 8 and 21-26 are rejected under 35 U.S.C. § 102(b) as being newly anticipated by Maki et al. (Japanese Patent Application Publication H05-52526 [hereinafter "Maki"]).

The Examiner applies Maki for disclosing an apparatus for measuring a dimension of a sheet member 13, including a light source and a plurality of photodetectors.

An exemplary aspect of the present invention is to detect: 1) the luminance of light which passes through the sheet and 2) the luminance of light which is projected directly from the light source to the photodetector. Claim 8 is amended to further define this feature. In particular, claim 8 recites that a portion of the light which is detected penetrates through the sheet and another portion of the light which is detected passes by the end of the sheet.

Maki does not disclose the features of claim 8. Instead, Maki is directed to measuring the dimensions of a “steel” sheet, as noted in paragraph 0007 of the machine translated of Maki provided with the Office Action. A skilled artisan will appreciate that the steel sheet of Maki presumably will not allow light to pass therethrough, such that Maki cannot disclose an apparatus which detects a position of an end of a sheet member based on a luminance of light, wherein a portion of the light penetrates through the sheet. Maki, therefore, fails to disclose each feature of proposed claim 8, such that the rejection should be withdrawn. The rejection of dependent claims 21-26 should be withdrawn at least by virtue of their respective dependencies upon claim 8.

**35 U.S.C. § 103:**

Claims 8, 9, 14, 23 and 26 are rejected under 35 U.S.C. § 103(a) as being unpatentable over DeCock (U.S. Patent No. 3,761,723) in view of Bridges (U.S. Patent No. 3,835,332).

The Examiner asserts that Figs. 1 and 4 of DeCock disclose an apparatus for measuring dimensions “A-G.” Element 10 of DeCock is applied as a light source which sends light to a plurality of detectors 17. The combination of DeCock and Bridges fails to disclose the features of claim 8.

In particular, the device of DeCock utilizes the detectors 17 shown in Fig. 1 to detect light passing through the perforations (see also Figs. 2 and 4 of DeCock). DeCock does not teach nor suggest utilizing a luminance of light which penetrates *through* the sheet itself. Any light that is detected in DeCock does not actually penetrate through the sheet, but instead passes through the perforations or outside of the sheet. Bridges also fails to teach or suggest the claimed features.

Accordingly, the combination of DeCock and Bridges fails to teach or suggest each feature in claim 8, such that the rejection thereof under 35 U.S.C. § 103(a) should be withdrawn. The rejection of dependent claims 9, 14, 23 and 26 should be withdrawn at least by virtue of their respective dependencies upon claim 8.

*Claims 12, 13 and 17*

Claim 12 rejected under 35 U.S.C. 103(a) as being unpatentable over DeCock in view of Bridges and further in view of Wenthe, Jr. (U.S. Pat. No. 5,169,140).

Claim 13 rejected under 35 U.S.C. 103(a) as being unpatentable over DeCock in view of Bridges and further in view of Kerkhoff et al. (U.S. Pat. No. 5,237,181 [hereinafter "Kerkhoff"]).

Claim 17 is rejected under 35 U.S.C. 103(a) as being unpatentable over DeCock in view of Bridges and further in view of Richards et al. (U.S. Pat. No. 6,173,952 [hereinafter "Richards"]).

Claims 12, 13 and 17 are deemed patentable over the art at least due to their respective dependences on claim 8. This is because the application of Wenthe, Jr., Kerkhoff and Richards fails to provide motivation for modifying DeCock to have the features of claim 8.

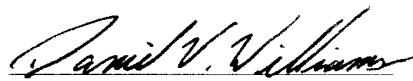
In view of the above, reconsideration and allowance of this application are now believed to be in order, and such actions are hereby solicited. If any points remain in issue which the Examiner feels may be best resolved through a personal or telephone interview, the Examiner is kindly requested to contact the undersigned at the telephone number listed below.

AMENDMENT UNDER 37 C.F.R. § 1.116  
U.S. Patent Application No. 10/644,871

Q77027

The USPTO is directed and authorized to charge all required fees, except for the Issue Fee and the Publication Fee, to Deposit Account No. 19-4880. Please also credit any overpayments to said Deposit Account.

Respectfully submitted,



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